

Appln. No. 10/650,662  
Preliminary Amendment

### REMARKS

Claims 1-12 are pending in the application. Claims 1-4 and 6-7 have been amended and new claims 8-12 have been added by this preliminary amendment. Reconsideration and allowance of Applicant's claims are respectfully requested.

Claims 1 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Makino (U.S. Patent No. 4,293,077) in view of Montgomery (U.S. Patent No. 4,160,617).

Independent claim 1 recites, among other things, "unitary reception means on the platform for receiving and adjusting a position of the vehicle with the container thereon relative to the platform so as to maintain an aligned position with the crane" and "positioning means for displacement of the unitary reception means relative to the platform in two 90° related directions." Neither Makino nor Montgomery, alone or in combination, describe or suggest at least these features of claim 1. Therefore, it is respectfully requested that this rejection be withdrawn.

Makino is directed to a container handling apparatus formed of a traveling container crane, a self-supporting portal frame on wheels that is connected to the container frame, a container receiving device on the portal frame, and a container elevating device on the portal frame. A truck 21 on wheels 20 is connected by link 19 to leg 6a of portal crane 6. The truck 21 has an area for supporting a vehicle 23.

However, among other things, Makino does not disclose or suggest unitary reception means on the platform for receiving and adjusting a position of the vehicle with the container thereon relative to the platform so as to maintain an aligned position with the crane or positioning means for displacement of the unitary reception means relative to the platform in two 90° related directions. In particular, the truck 21 does not have the unitary reception means and positioning

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means recited by claim 1. Instead, Makino discloses that guides 22 are located on opposite sides of truck 21 for regulating the widthwise position of the vehicle 23. See, e.g., col. 4, line 63 to col. 5, line 8; col. 6, line 66 to col. 7, line 32. Stoppers 25 are used to regulate the lengthwise position of the vehicle 23 by being lowered or raised. See, e.g., col. 5, lines 9-23; col. 6, line 63 to col. 7, line 32. The stationary guides 22 and stoppers 25 of Makino are stationary physical barriers that do not adjust the position of the vehicle 23 and do not displace a reception means in two 90 degree related directions as recited in claim 1. Indeed, although no such modification is taught or suggested, any modification of Makino to add a unitary reception means and a positioning means as recited in claim 1 would completely alter the principle of operation of Makino.

Montgomery does not remedy the noted deficiencies of Makino with respect to claim 1. In particular, Montgomery fails to describe or suggest unitary reception means on the platform for receiving and adjusting a position of the vehicle with the container thereon relative to the platform so as to maintain an aligned position with the crane and positioning means for displacement of the unitary reception means relative to the platform in two 90° related directions.

Instead, Montgomery is directed to a container conveyor apparatus that includes an overlying support 30 and an underlying shuttle car D. The shuttle car D commutes reversibly along a shuttle car railway under containers 20 supported by the overlying support. At one end, a carrier guide 38 functions to facilitate longitudinal alignment of a straddle carrier C and the conveyer. In particular, the straddle carrier guide includes a pair of spaced apart wheel ramps 100 and fenders 110 that will come into contact with the straddle carrier and impart a lateral force to the straddle carrier if the straddle carrier is not aligned properly with the conveyer. See, e.g., col. 8 line 35 to col. 9, line 5. The fenders 110 are stationary physical barriers that do not adjust the position of a vehicle and do not displace a reception means in two 90 degree related directions are

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recited in claim 1. Indeed, although no such modification is taught or suggested, any modification of Montgomery to add a unitary reception means and a positioning means as recited in claim 1 would completely alter the principle of operation of Montgomery.

Claim 5 depends from claim 1, and is believed to be allowable for at least the reasons given for claim 1.

Claim 2, which depends from claim 1, was rejected under 35 U.S.C. 103(a) as being unpatentable over Makino in view of Montgomery, and further in view of Bratlie (U.S. Patent No. 5,509,723). Bratlie, which was cited in the rejection to show a ramp hinged to a platform, fails to remedy the above noted deficiencies of Makino and Montgomery with respect to claim 1. Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 3 and 4, both of which depend from claim 1, were rejected under 35 U.S.C. 103(a) as being unpatentable over Makino in view of Montgomery and Bratlie, and further in view of Merkle (U.S. Patent No. 4,102,273). Merkle fails to remedy the above noted deficiencies of Makino, Montgomery, and Bratlie. In particular, Merkle does not describe or suggest unitary reception means on the platform for receiving and adjusting a position of the vehicle with the container thereon relative to the platform so as to maintain an aligned position with the crane and positioning means for displacement of the unitary reception means relative to the platform in two 90° related directions. Therefore, it is respectfully requested that this rejection be withdrawn.

Merkle is directed to an apparatus for positioning battery-operated road vehicles at relay stations where exhausted batteries are replaced with recharged batteries. The apparatus of Merkle includes a first carriage 7 having wheels 9 that are mounted on tracks 10 which are parallel to the longitudinal direction of the vehicle. The wheels 9 are driven clockwise or counterclockwise by motor 11. The first carriage has a transversely extending recess 7a bounded by guide surfaces

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which confine a second carriage or slide 8 to movement back and forth at right angles to the direction of movement of the carriage 7 along the tracks 10. The second carriage can be driven by motor 12. Thus, the apparatus of Merkle does not teach or suggest a unitary reception means or a positioning means as recited in claim 1. Indeed, although no such modification is taught or suggested, any modification of Merkle to add a unitary reception means and a positioning means as recited in claim 1 would completely alter the principle of operation of Merkle.

Claims 6 and 7, both of which depend from claim 1, were rejected over Makino in view of Montgomery, and further in view of Merkle. As previously discussed, Merkle does not remedy the above noted deficiencies of Makino and Montgomery. Therefore, it is respectfully requested that this rejection be withdrawn.

It is respectfully submitted that all claims are in condition for allowance, and early notice of the same is respectfully solicited. If any questions remain, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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